(280)

Distr.
LIMITED

E/CN.4/1994/L.23
22 February 1994

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 22

RIGHTS OF THE CHILD

Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Peru, Uruguay and Venezuela: draft resolution

Need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Reaffirming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which calls for effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for implementing the said Declaration, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which establishes a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the important role it can play in ensuring effective protection of the rights of the child,

Recalling also Commission resolution 1992/74 of 5 March 1992 by which it adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling further its resolutions 1992/76 of 5 March 1992 and 1993/82 of 10 March 1993,

Deeply concerned by the situation of children subject to the yoke of prostitution, sexual abuse and other forms of exploitation, including illegal transplanting of organs,

Alarmed by the relevant information on the generalization and different forms of exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including drug trafficking,

Dismayed by the persistence of the sale of children and related practices entailing disappearances, fraudulent adoptions, abandonment and abductions for commercial purposes,

Bearing in mind that one of the main difficulties encountered by the Special Rapporteur has been the lack of cooperation and information on these issues,

Recognizing the existence of a market, particularly in developed countries, which encourages the increase of such criminal practices against children, mainly from developing countries,

Bearing in mind the different causes that influence the emergence and persistence of these special circumstances, including in particular poverty, hunger, natural disasters, xenophobia, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child and the maintenance of family unity,

Aware of the need to increase international cooperation to eliminate the causes of these evils, thus allowing developing countries to tackle more effectively these situations affecting the rights of the child,

Considering that it is necessary to deploy greater efforts at the national and international levels to promote and protect all the rights of the child everywhere in the world,

Recognizing the need for a continuing exchange of information between the various mechanisms and bodies entrusted with the task of preventing and eradicating all practices related to the sale of children, child prostitution and child pornography,

Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions on this problem,

Having considered the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84) and the conclusions and recommendations contained therein,

1. Expresses deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children and their organs, child prostitution and child pornography;

2. Urges all Governments to seek solutions, as well as ways and means to enhance and ensure international cooperation to eradicate such aberrant practices:

3. Urges all States to adopt the necessary administrative and legislative measures to more effectively eradicate the practices of the sale of children, child prostitution and child pornography;

4. Also urges all States to adopt the necessary measures to eliminate the existing market which encourages the increase of such criminal practices;

5. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84);

6. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children and their organs, child prostitution and child pornography;

7. Recognizes the important role that the specialized agencies, the non-governmental organizations and the community at large can play in order to ensure greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including dissemination of information and teaching of the rights of the child;

8. Urges Governments and national and international organizations to promote wide dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

9. Encourages Governments and national and international educational organizations, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

10. Recognizes the importance of promoting the adoption by the business sector of a code of conduct for child protection with a view to preventing and eliminating the sale of children and their organs, child prostitution and child pornography;

11. Reaffirms the need to strengthen and ensure the effective implementation of a legal framework aimed at effectively protecting the rights of the child as well as at providing appropriate remedies for children whose rights have been violated;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of children in the light of children's best interests;

13. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with questions covered by his mandate, including the Commission on Crime Prevention and Criminal Justice, and to this effect invites him to participate in the next sessions of those bodies;

14. Calls upon the Special Rapporteur to request relevant information on situations, wherever they may occur, involving the sale of children, child prostitution and child pornography, as well as other questions related to this problem;

15. Urges all Governments to cooperate with the Special Rapporteur and to assist him by furnishing all information he requires and allowing him to visit their territories when he so requests;

16. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay attention to the economic, social, legal and cultural factors affecting these phenomena;

17. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the resources and staff required to allow him to submit sufficiently in advance his interim report to the General Assembly at its forty-ninth session and his report to the Commission on Human Rights at its fifty-first session, bearing in mind the recommendations of the Special Rapporteur in his report (E/CN.4/1994/84);

18. Also requests the Special Rapporteur, within the framework of the above-mentioned reports, to include recommendations on concrete measures by Governments to eradicate the practices of the sale of children, child prostitution and child pornography;

19. Decides to set up an open-ended intersessional Working Group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur, guidelines for a possible draft Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems;

20. Invites all Governments, as well as specialized agencies and non-governmental organizations, to participate in the work of the Working Group;

21. Requests the Working Group to meet for two weeks prior to the fifty-first session of the Commission;

22. Further requests the Secretary-General to provide the Working Group with all the services it requires for the meeting to be held prior to the fifty-first session of the Commission;

23. Decides to consider, as a matter of priority, at its fifty-first session a specific subitem entitled "Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems" under the agenda item entitled "Rights of the child";

24. Recommends the following draft resolution to the Economic and Social Council for adoption:

"Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/... of ... 1994,

1. Authorizes the establishment of an open-ended intersessional Working Group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur, guidelines for a possible convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems, that will meet for two weeks prior to the fifty-first session of the Commission on Human Rights;

1. Requests the Secretary-General to provide the Working Group with all the services it requires to be able to meet prior to the fifty-first session of the Commission on Human Rights".

- - - - -